

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1754

IN THE MATTER OF:

Served October 3, 1977

Application of IRA F. GADD)
T/A COLUMBIA TOURS for a)
Certificate of Public)
Convenience and Necessity)
to Perform Commuter Operations)

Application No. 958

Docket No. 346

By Order No. 1627, served November 18, 1976, the above-captioned application was granted. Issuance of a certificate of public convenience and necessity, however, was conditioned upon the Applicant (a) filing two copies of WMATC Tariff No. 1, (b) filing a complete and accurate written description of the route over which service is to be provided, a schedule of the time for such service, and a list of stops to be served, and (c) advising the Commission when appropriate vehicles to operate the service may be inspected by the staff of the Commission. As of June 8, 1977, applicant had failed to meet any of these conditions. Accordingly, Order No. 1704, incorporated by reference herein, was served on that date directing applicant fully to comply with the terms, provisions and conditions of Order No. 1627 no later than July 8, 1977. It was further ordered that, unless compliance was so made, Application No. 958 would stand denied in its entirety effective upon the expiration of the said compliance time. At applicant's behest, the time for compliance was further extended to August 5, 1977. See Order No. 1723, served July 8, 1977, and incorporated by reference herein.

On August 8, 1977, an appropriate tariff was filed. On July 8 and August 4, 1977, the staff of the Commission inspected two buses at applicant's request. Said buses were registered in the names of Daniel G. Seaman and Star of Bethlehem Church of God in Christ, respectively. On August 5, 1977, applicant filed two single page documents, each dated August 4, 1977, and purporting to be contracts entered into between Ira F. Gadd, as lessor, and Harvey L. Lewis and Eugene McZorn, as lessees. These unverified documents, which are identical in all material respects, provide: (a) that lessors will furnish buses and drivers to lessee; (b) that lessee will pay lessors 75 percent of the daily fares paid by riders of their buses; and (c) that lessors shall furnish evidence of insurance to the Commission.

On August 18, 1977, counsel for applicant was advised by letter from the Commission's General Counsel of the remaining defects in applicant's compliance:

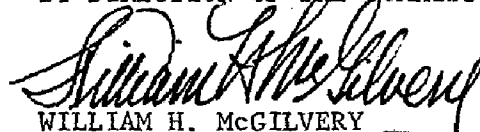
1. The certificate of insurance [filed August 5, 1977] for a bus owned by Eugene McZorn fails to include Mr. Gadd as a named insured and also fails to provide for 30 days written notice in the event of policy cancellation. Moreover, the certificate is addressed to the [Washington Metropolitan Area] Transit Authority not WMATC. */
2. No certificate of insurance was filed for a bus said to be owned by Harvey L. Lewis.
3. The contracts dated August 4, 1977. . . provide that the lessors are to provide and pay the bus drivers. This is completely contrary to our telephone discussion where you advised me that drivers would be regular employees of Mr. Gadd.
4. The named lessors of buses are Harvey L. Lewis and Eugene McZorn. The registered owners of the buses inspected by Mr. Leukhardt are Daniel G. Seaman and Star of Bethlehem Church of God in Christ.

Counsel for applicant acknowledged said letter, but, except as noted above, no further action has been taken to remedy the enumerated deficiencies.

THEREFORE, IT IS ORDERED that Application No. 958 of Ira F. Gadd be, and it is pursuant to the mandate of Order Nos. 1704 and 1723, denied, effective August 5, 1977.

*/ Only this last defect was remedied by a revised certificate of insurance filed September 16, 1977.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director